

Panaji, 10th May, 1979 (Vaisaka 20, 1901)

SERIES I No. 6

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Local Administration and Welfare Department

Notification

7-17-78-LSG

Rules for the Goa, Daman and Diu Scheme for Immediate Relief

In exercise of the powers conferred by article 15 of the Legislative Diploma No. 1984 dated 14-4-1960. The Administrator of Goa, Daman and Diu is pleased to make the following Rules:

I. (i) These Rules may be called the Goa, Daman and Diu Scheme for Immediate Relief Rules, 1979.

(ii) They shall come into force with effect from the date of their publication, in the Official Gazette.

II. Object of the Scheme.

The object of the scheme is to provide succour to persons in dire need of immediate assistance, being victims of natural calamities such as fire, flood, cyclone, earthquakes, accidents, illness, etc., or being placed in any other unfortunate, unforeseen, extraordinary, or difficult situation.

III. Applicability of the Scheme.

The assistance under clause (i) to (x) of Sub-Rule 1 of Rule V of this Scheme, shall apply to persons having permanent residence in the Union Territory of Goa, Daman and Diu, or who are domiciled and have resided in this Territory for a continuous period of not less than five years immediately preceding the date of application.

IV. Definitions.

(i) "Administrator" means the Administrator of Goa, Daman and Diu.

(ii) "Council" means the Council of Institute of Public Assistance (Providoria).

(iii) "Chairman" means the Chairman of the Council of Institute of Public Assistance (Providoria).

(iv) "Chief Minister" means the Chief Minister of Goa, Daman and Diu.

(v) "Director" means the Director of Institute of Public Assistance (Providoria).

(vi) "Institute" means the Institute of Public Assistance (Providoria).

(vii) "Minister" means the Minister or Minister of State In-charge of the Institute of Public Assistance (Providoria).

(viii) "Secretary" means the Secretary In-charge of the Institute of Public Assistance (Providoria).

V. Eligibility for Grant of Assistance.

1. For the purpose of this Scheme, the applicant shall belong to or come under the following categories:

(i) A victim of natural calamity such as fire, flood, cyclone, earthquake etc.

(ii) A person whose house, belongings or properties are damaged due to accidents, fire, falling of trees, etc.

(iii) A person or family left in a helpless condition due to sudden death, illness, physical or mental incapacity, unemployment, desertion or imprisonment of the earning member.

(iv) A person in need of costly medicines, drugs, prescribed by the Government doctors or Medical Officers, not available in Government Hospitals or Health Centres.

(v) A person in need of special Medical treatment not available in this Territory and therefore, requires to proceed to any other part of the Country or abroad to avail of such treatment.

(vi) A person whose dwelling house has collapsed or is in imminent danger of collapse and therefore, in need of assistance, for repair of such house.

(vii) A person in need of assistance, to learn a trade, craft or skill to enable him to earn a decent living.

(viii) A person in need of assistance to start an economic activity, business or trade to rehabilitate himself or to support his family.

(ix) A person in need of assistance for celebrating the marriage of his daughter.

(x) A person in need of spectacles prescribed by the Government doctor or Medical Officer or an eye specialist.

(xi) A stranded visitor to this Territory whose belongings are lost, robbed, or damaged and who

has no means to pay for his meals, accommodation or transport due to which he is unable to proceed to his destination.

2. Notwithstanding anything contained in these rules, no person shall be eligible for assistance under clause (i) to (ix) of Sub-Rule 1 above if:

(i) His income or the income of his family from all sources is more than Rs. 3,000/- per annum.

(ii) He resorts to habitual begging.

(iii) He is admitted in an institution run by or with the aid of the Government or local authority or the Institute.

3. No person shall be eligible for assistance under this scheme if he or she or any member of his/her family is in receipt of or has received any grant in aid or assistance for the same purpose, under any other Welfare scheme instituted by or with the aid of the Government or Local authority or the Institute.

VI. Quantum of Assistance.

1. The Maximum amount of assistance under this scheme shall be:—

(i) Under Clause (i) to (vi) of Sub-Rule 1 of Rule V Rs. 500/-.

(ii) Under Clause (vii) of Sub-Rule 1 of Rule V Rs. 50/- per month for a maximum period of 6 months.

(iii) Under Clause (viii) of Sub-Rule (1) of Rule V Rs. 1,000/-.

(iv) Under Clause (ix) of Sub-Rule (1) of Rule V Rs. 1,500/-.

(v) Under Clause (x) of Sub-Rule (1) of Rule V Actual cost of spectacles.

(vi) Under Clause (xi) of Sub-Rule (1) of Rule V Actual cost of the tickets plus subsistence grant of Rs. 5/- per day per person for maximum 10 days.

2. The Council of Provedoria will be competent to revise the quantum of assistance from time to time.

VII. Nature of Assistance.

1. The Assistance shall be paid only once.

2. The Assistance is not transferable.

3. The Assistance sanctioned for one purpose shall not be utilised for any other purpose.

VIII. Power to grant Assistance.

1. The Director will be competent to sanction the assistance under these rules, upto Rs. 500/-. The Chairman will be competent to sanction assistance under these rules exceeding Rs. 500/-.

2. Where the Director feels that the operation of the rules relating to eligibility will result in denial of assistance in deserving individual cases, he may recommend, such cases to the Chairman together with full details for relaxation of the rules. The

Chairman will be competent to relax the rules relating to eligibility after having personally satisfied himself of the merits of each case.

3. Where the Director feels that the Assistance needed by the applicant is more than the prescribed limit, he may place such cases before the Council together with full details of the case. The Council will be competent to relax the rules relating to quantum of assistance.

IX. Discretionary Funds.

Notwithstanding anything contained in these rules, the Council may with the approval of the Government set apart in the annual budget of the Institute a Discretionary Fund for the Administrator, for the Chief Minister and for the Minister in charge of the Institute, from which he may sanction financial assistance to deserving cases for Social Welfare purpose. The maximum assistance under this rule shall not exceed Rs. 1,000/- in the case of an individual or Family or Rs. 2,500/- in the case of an institution, society or trust.

X. Contribution to Relief Funds.

Notwithstanding anything contained in these rules, the Administrator may on recommendation of the Council sanction from the Reserve Fund of the Institute a lumpsum amount of contribution to the duly constituted Relief Fund of the Central Government or any State or other Union Territory Government to meet any natural calamity or major accident.

XI. Mode of Application.

1. Application for assistance under this scheme shall be submitted in the prescribed form to the Director. The requisite application form shall be supplied to the applicant on request free of charge by the Institute.

2. In the case of victims of natural calamities, accidents etc., formal application may be dispensed with and the Director may sanction the relief on the basis of the Mamlatdar's report or by personal verification in loco.

3. The application under Clauses (i) to (x) of Sub-Rule 1 of Rule V shall be supported by an income certificate from the Sarpanch of the Village Panchayat or the President of Municipality or the Mamlatdar of the Taluka where the applicant has been residing for not less than one year from the date of application.

4. Persons in need of assistance under Clause (iv) of Sub-Rule 1 of Rule V shall also submit a medical certificate and/or a prescription from a Government Doctor/Medical Officer stating that the person is actually suffering from the disease diagnosed and that the prescribed medicines and drugs, are needed for the treatment of the disease and that they are not available with the Government Pharmacy/Health Centre.

5. Persons in need of assistance under Clause (v) of Sub-Rule 1 of Rule V shall also submit a certificate from a competent Government Doctor/Medical Officer, stating that the person is actually suffering from the disease diagnosed and that the specialised medical treatment needed for the person is not available in the Hospitals in this Territory.

6. Persons in need of assistance under Clause (vi) of Sub-Rule 1 of Rule V shall also submit a certificate from an Extension Officer (Rural Engineering) or a P. W. D. Engineer or the Engineer of the Institute stating that the building has collapsed or is in danger of collapse and so much amount is required for its repairs.

7. Persons in need of assistance under Clause (vii) or (viii) of Sub-Rule 1 of Rule V shall also submit details of the economic activity trade or business, craft or skill he proposes to learn or he proposes to start.

8. Persons in need of assistance under Clause (ix) of Sub-Rule 1 of Rule V shall also produce a certificate from the Mamlatdar of Taluka, where the applicant resides or an affidavit stating that the girl is engaged and that the marriage will be celebrated within 15 days after the receipt of assistance.

XII. Verification.

1. The Director shall carry out detailed inquiries into the financial economic condition of the applicant and into other particulars given in the application form. For the purpose of verification he may conduct inquiries, personally or through the Mamlatdar or the Block Development Officer of the respective Taluka in which the applicant resides.

2. On the spot investigation may be made by the Officers, Engineer or Social Workers of the Institute in case of any doubt or need for more clarification.

3. In case of natural calamities or fatal accidents, the Mamlatdar should complete his verification and inquiry within two days from the date of receipt of the application or such information from the parties and send his report directly to the Director along with the application of the parties if any, endorsing copies of the report to the Collector and to the Department of Revenue, Local Admn., and Welfare, Secretariat, Panaji.

4. The Application shall be carefully scrutinised in the Head Office of the Institute, and in case the applicant is found to be deserving, the Director shall order, in writing the Grant of assistance after having personally satisfied himself of the merits of the case. The decision of the Director shall be final. The orders passed in each case shall be communicated to the applicant.

5. In case of natural calamities or fatal accidents, the Director should complete his scrutiny of the application from the party if any, and the report of the Mamlatdar and sanction the assistance within two days from the date of receipt of the report along with the application of the party if any, from the Mamlatdar.

6. Cases of persons in need of assistance under Clause (xi) of Sub-Rule 1 of Rule V shall be decided on the spot by the Director, on the basis of the information available from an interview of the concerned persons by an officer of the Institute.

XIII. Power to Review and Cancellation.

Any assistance granted under these rules shall be liable to cancellation or modification if it is found that it was granted on misrepresentation or mistake of fact or on account of fraud or any procedural

irregularity or if the condition for which the assistance was granted no longer exists. The Director or any authority superior to him will be competent to order such cancellation or modification.

XIV. Mode of Disbursement.

(i) The payment of assistance under these rules may be made either in cash or kind in lumpsum or in instalments as may be decided by the Director.

(ii) The amount may be disbursed through the Block Development Officer or the Village Panchayat or at the Head Office of the Institute. The amount may also be remitted by the Director to the beneficiary by Money Order or by bank draft without deducting the commission. When the Money Order has been returned due to the fault of the beneficiary (for example due to wrong address mentioned in the application) the money order commission in sending the assistance a second time shall be borne by the beneficiary.

(iii) A beneficiary under clause (viii) of Sub-Rule 1 of Rule V shall execute, before the disbursement of any subsidy, an agreement in stamped paper in the form given as Annexure I to these rules.

XV. Utilisation of the Assistance.

(i) A beneficiary shall utilise the Assistance for the purpose for which it is granted within a reasonable period, which shall not exceed 30 days from the date of receipt of the assistance.

(ii) A beneficiary under Clause (i) to (x) of Sub-Rule 1 of Rule V or under Rule IX, if required by the Director, shall submit to the Director a Utilisation Certificate issued by the Mamlatdar, the B.D.O. or the Sarpanch of the area where he resides or by an Officer of the Institute or the Department of Social Welfare within 30 days of the receipt of the assistance together with the receipts of purchases or expenses incurred by him from the assistance received.

(iii) The beneficiary shall submit a monthly progress report or an expenditure statement in the prescribed form, if so required by the Director.

(iv) The utilisation of the assistance shall be open to inspection and verification by the Director or any officer authorised by him on this behalf.

(v) In case the assistance is not properly and fully utilised within the specified period for the purpose for which it is granted, the beneficiary shall return the assistance or portion thereof, as the case may be, failing which, it shall be open for the Director to receive the amount in full or part thereof, as he may consider necessary from the beneficiary and/or from the sureties as provided in the agreement executed by the beneficiary.

(vi) If any doubt or dispute arises regarding the question whether the beneficiary has utilised the whole or any part of the subsidy or regarding the amount to be recovered from him and/or the sureties, the decision of the Secretary thereon shall be final and binding.

XVI. Accounting Procedure.

(i) Accounting procedure to be followed for this scheme shall be laid down by the Director.

(ii) The beneficiary shall maintain a separate account on utilisation of the assistance and will

produce the same for inspection by the Director or any other officer authorised by him on this behalf.

(iii) Items of articles of equipments of permanent and semi permanent nature purchased by the beneficiary wholly or substantially out of subsidy amount shall be properly accounted for and shall not be sold, mortgaged, hired, given away as gift, disposed of, encumbered or utilised for the purpose other than for which the said subsidy was sanctioned without prior approval in writing from the Director.

(iv) In case the beneficiary violates any of the provisions of these rules, it shall be open for the Director to stop forthwith the payment of any further instalments of assistance payable under these rules, and to take possession of all articles purchased by the beneficiary with the assistance and to dispose off them in the manner he may deem fit.

XVII. Supersession and Savings.

(i) These rules will supersede all the existing rules on the subject.

(ii) Notwithstanding any such supersession, any assistance granted under the earlier rules shall be deemed to be assistance granted under these rules with effect from the date on which these rules come into force.

By order and in the name of the Administrator of Goa, Daman and Diu.

E. N. Rodrigues, Under Secretary (Revenue).

Panaji, 23rd March, 1979.

ANNEXURE I

(See Sub-Rule (iii) of Rule XIV)

This agreement is executed on this the ... day of ... One thousand nine hundred and ... Between Shri ... (H. E. full name and address) (hereinafter called "The Bounden") and Shri ... and Shri ... (H. E. name and address) (hereinafter called "The Sureties") of the one part and the Director of the Institute of Public Assistance (hereinafter called "The Director") on the other part.

Whereas, the Bounden has applied to the Director for an assistance of Rs. ... under the Goa, Daman and Diu Scheme for Immediate Relief Rules, 1978 (hereinafter referred to as "the said Rules") which expression shall include any amendments thereof or additions thereto for the time being in force) for the purpose of starting ... (H. E. the name of the economic activity, trade or business for which the assistance is sanctioned).

And whereas, the Director has by his order No. ... dated ... sanctioned an assistance of Rs. ... (Rupees ... only) to the Bounden subject to the terms and conditions contained in the said rules and those hereinafter contained.

Now these presents witness and it is hereby mutually agreed as follows:

1. The Bounden shall utilise the assistance of Rs. ... (Rupees ... only) (the receipt of which the Bounden doth hereby admit and acknowledge) only for the purpose of ... (H. E. the name of the economic activity or trade or business) and shall not be utilised for any other purpose.

2. The Bounden shall start the economic activity trade or business within one month from the date of receipt of the assistance amount and shall submit to the Director a Utilisation Certificate issued by a Mamlatdar, B. D. O. or the Sarpanch or an officer of the Institute of Public Assistance or the Department of Social Welfare within one month of receipt of the assistance amount together with receipts/vouchers of purchases or expenses incurred by him from the said assistance amount.

3. The Bounden shall not sell or mortgage or pledge or hire out or give away as gift any of the equipments or articles purchased with the assistance amount except with the prior approval of the Director in writing.

4. If any such articles are disposed of or encumbered in contravention of these conditions, the entire assistance amount or a part thereof, as may be decided by Director at its discretion, shall be recovered from the Bounden and the sureties in a lump at once.

5. The Bounden shall strictly comply with and abide by the provisions contained in the said rules, which shall form part of this agreement and shall be deemed to have been incorporated herein.

6. The Bounden shall maintain proper accounts for the utilisation of the assistance amount and shall produce the same for verification as provided in the said rules.

7. In case the Bounden commits breach of all or any of the conditions herein contained or in the said rules, the Director shall have power to take possession of the said equipment and the materials and to recover the entire assistance amount from the Bounden and the sureties in the manner herein provided.

8. The liability of the sureties under this agreement is coextensive with that of the Bounden and shall not be affected by the Director's giving reasonable time or any other indulgence to the Bounden.

9. The Bounden and the sureties hereby agree that all sums found due to the Director under or by virtue of this agreement shall be recovered jointly and severally from them and from their properties movable and immovable, or in such other manner as the Director may deem fit.

In witness whereof Shri
(the Bounden) and Shri
and Shri (the Sureties) and
Shri (H. E. the name of the
Director) have hereunto set their hands the day and year
first above written.

Signed by Shri (The Bounden)
Signed by Shri and
Shri (The Sureties)

In the presence of Witnesses:

- 1.
- 2.

Signed by Shri (The Director)

In the presence of Witnesses:

- 1.
- 2.

Industries and Labour Department

Notification

1/306/73-ILD

Whereas the Lieutenant Governor of Goa, Daman and Diu is satisfied that it is necessary in the public interest that the Inland Water Transport Industry including handling, movement or transportation of cargo by barges should be declared as Public Utility Service for the purposes of Industrial Disputes Act, 1947 (14 of 1947).

Now, Therefore, in exercise of the powers conferred under sub-section (vi) of clause (n) of Section 2 of the said Act, the Lieutenant Governor of Goa, Daman and Diu hereby declares the Inland Water Transport Industry including handling, movement or transportation of cargo by barges to be

public Utility Service for the purpose of the said Act for a period of six months with effect from the date of publication of this notification.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

G. M. Sardesai, Under Secretary, Industries and Labour.

Panaji, 27th April, 1979.

Law Department (Legal Advice)

Notification

LD/965/79

The following Central Act namely The Copra Cess Act, 1979, which was recently passed by the Parliament and enacted to by the President of India on 8th March, 1979 and published in the Gazette of India, Part II, Section I dated 12-3-1979 is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 9th April, 1979.

The Copra Cess Act, 1979

AN

ACT

to provide for the imposition of cess on copra for the development of the coconut industry and for matters connected therewith.

Be it enacted by Parliament in the Thirtieth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Copra Cess Act, 1979.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—(1) In this Act, unless the context otherwise requires,—

(a) "Board" means the Coconut Development Board established under section 4 of the Coconut Development Board Act, 1979;

(b) "Collector" means the officer appointed by the Central Government to perform in any specified area the duties of a Collector under the provisions of this Act and the rules made thereunder, and includes any officer subordinate to that officer whom he may, by order in writing, authorise to perform his duties under those provisions;

(c) "Copra" means the dry kernel of coconut and includes edible copra and desiccated coconut;

(d) "mill" means any premises in which or in any part of which, copra is crushed, or is ordi-

narily crushed, with the aid of power for the extraction of oil or is otherwise processed with the aid of power.

Explanation.— "Power" means electrical energy or any other form of energy, which is mechanically transmitted and is not generated by human or animal agency;

(e) "occupier", in relation to any mill, means the person who has the ultimate control over the affairs of the mill or the owner of the mill in case he is not the occupier;

(f) "oil" means oil extracted from copra;

(g) "prescribed" means prescribed by rules made under this Act.

(2) All other words and expressions used in this Act and not defined, but defined in the Coconut Development Board Act, 1979, shall have the meanings respectively assigned to them in that Act.

3. *Imposition of cess.*—(1) There shall be levied and collected as a cess, for the purposes of this Act, on copra consumed in any mill in India with a view to producing or manufacturing any goods therefrom, a duty of excise at such rate, not exceeding five rupees per quintal of copra, as the Central Government may, by notification in the Official Gazette, specify:

Provided that until such rate is specified by the Central Government, the duty of excise shall be levied and collected at the rate of sixty paise per quintal of copra.

(2) The duty of excise leviable under sub-section (1) shall be payable by the occupier of the mill in which the copra is consumed.

4. *Application of proceeds of cess.*—The proceeds of the duty of excise levied and collected under this Act shall first be credited to the Consolidated Fund of India, and the Central Government may, if Parliament, by appropriation made by law in this behalf, so provides, pay to the Board, from time to time, from out of such proceeds, after deducting the expenses on collection and the amount, if any, refunded under section 9, such sums of money as it may think fit for being utilised for the purposes of the Coconut Development Board Act, 1979.

5. *Occupier to supply certain particulars to Collector.*—The occupier of every mill shall,—

(a) if the mill was established before the commencement of this Act, within fourteen days from such commencement, and

(b) if the mill is established after the commencement of this Act, within fourteen days from such establishment,

furnish to the Collector a statement containing the following particulars, namely:—

(i) the name and situation of the mill;

(ii) the name and address of the occupier;

(iii) the address to which the communications relating to the mill may be sent; and

(iv) the total capacity of the mill.

6. *Delivery of monthly returns.*—(1) Every occupier of a mill shall furnish to the Collector every month a return stating the total amount of copra consumed in the mill during the preceding month.

(2) The return referred to in sub-section (1) shall be furnished before the seventh day of each month together with such other information as may be prescribed.

(3) Every such return shall be made in such form and shall be verified in such manner as may be prescribed.

7. *Collection of cess.*—(1) On receiving any return made under section 6, the Collector shall assess the duty of excise in respect of the period to which the return relates, and if the amount has not already been paid, shall cause a notice to be served upon the occupier of the mill requiring him to make payment of the amount assessed within ten days of the service of the notice.

(2) If the occupier of any mill fails to furnish in due time the return referred to in section 6 or furnishes a return which the Collector has reason to believe is incorrect or defective, the Collector shall assess the amount payable by him in such manner, if any, as may be prescribed, and the provisions of sub-section (1) shall thereupon apply as if such assessment had been made on the basis of a return furnished by the occupier:

Provided that, in the case of a return which he has reason to believe is incorrect or defective, the Collector shall not assess the duty of excise at an amount higher than that at which it is assessable on the basis of the return without giving to the occupier a reasonable opportunity of proving the correctness or completeness of the return.

(3) A notice under sub-section (1) may be served on the occupier of a mill either by registered post or by delivering or tendering it to the occupier or his agent at the mill.

8. *Finality of assessment.*—(1) Any occupier of a mill who is aggrieved by an assessment made under section 7 may, within three months of service of the notice referred to in sub-section (1) of that section, appeal to such authority as the Central Government may, by notification in the Official Gazette, appoint in this behalf, for the cancellation or modification of the assessment and, on such appeal, the said authority may cancel or modify the assessment and order the refund to such occupier of the whole or part, as the case may be, of the amount paid thereunder:

Provided that the authority so appointed shall not be inferior in rank to the Collector by whom the assessment was made.

(2) The appellate authority may, if it is satisfied that the appellant was prevented by sufficient cause from presenting the appeal within the aforesaid period of three months, allow it to be presented within a further period of one month.

(3) Where the appellate authority is of opinion that any duty of excise has been short-levied, no order enhancing the duty of excise shall be made unless the appellant has been given notice to show cause, within one month from the date of service thereof, against the proposed order.

(4) The Central Government may, on the application of any person aggrieved by any order made under sub-section (1) or sub-section (3), cancel or modify such order, if such application is made within six months from the date of the order made under sub-section (1) or sub-section (3), as the case may be.

(5) The Central Government may, if it is satisfied that the applicant was prevented by sufficient cause from presenting the application within the aforesaid period of six months, allow it to be presented within a further period one month.

(6) The decision of the Central Government under sub-section (4) and subject to the decision of the Central Government, the decision of the appellate authority under sub-section (1), shall be final.

9. *Refund of cess on oil exported from India.*—Where any cess on copra is levied and collected under this Act and the oil extracted from the whole or any part of such copra is exported from India, then, the Central Government shall, subject to such conditions as may be prescribed, refund so much amount of cess as is equal to the cess collected in respect of the copra from which the oil so exported was extracted, to the occupier of the mill from whom such cess was collected, whether or not such copra is produced in or imported into India.

10. *Recovery of sums due to Government.*—Where any duty of excise demanded from any person or any other sum payable by any person under this Act is not paid,—

(a) the Collector may deduct the amount so payable from any money owing to such person which may be under the control of the Collector or any other officer; or

(b) the Collector may recover the amount so payable by detaining and selling any goods belonging to such person which are under the control of the Collector or any other officer; or

(c) if the amount cannot be recovered from such person in the manner provided in clause (a) or clause (b), the Collector may prepare a certificate signed by him specifying the amount due from such person and send it to the Collector of the district in which such person owns any property or resides or carries on his business and the said Collector shall, on receipt of such certificate, proceed to recover from the said person the amount specified therein as if it were an arrear of land revenue.

11. *Power to inspect mills and take copies of account.*—(1) The Collector or any officer empowered by a general or special order of the Central Government in this behalf shall have free access at all reasonable times during working hours to any mill or any part of a mill.

(2) The Collector or any other officer may, at any time during working hours, with or without notice to the occupier, examine the purchase, sale and stock records and accounts of any mill and take copies of or extracts from all or any of the said records or accounts for the purpose of testing the accuracy of any return or of informing himself as to the particulars regarding which information is required for

the purposes of this Act or any rules made thereunder:

Provided that nothing in this section shall be deemed to authorise the examination of any description or formulae of any trade process.

12. Information acquired to be confidential. — (1) All such copies and extracts and all information acquired by a Collector or any other officer from any inspection of any mill or from any return submitted under this Act shall be treated as confidential.

(2) If the Collector or any such officer discloses to any person, other than a superior officer, any such information as aforesaid, without the previous sanction of the Central Government or such other authority as may be prescribed, he shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine:

Provided that nothing in this section shall apply to the disclosure of any such information for the purpose of a prosecution in respect of the making of a false return under this Act.

13. Provisions of Central Excises and Salt Act, 1944, etc., to apply. — The provisions of the Central Excises and Salt Act, 1944, and the rules made thereunder including those relating to refunds and exemptions from duty, shall, so far as may be, apply in relation to the levy and collection of duty of excise on copra under this Act, as they apply in relation to the levy and collection of duty payable to the Central Government under that Act.

1 of 1944.

14. Offences. — (1) Whoever —

(a) evades the payment of any duty of excise payable under this Act, or

(b) fails to furnish any return or information which it is his duty to furnish as provided by or under this Act, or furnishes a return or information which is false in material particulars or which he does not believe to be true, or

(c) obstructs the Collector or any other officer in the performance of his duties under this Act or any rules made thereunder,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

(2) Any court trying an offence under this Act may direct that the copra in respect of which it is satisfied that an offence punishable under this Act has been committed, shall be forfeited to Government and may also direct that all packages or coverings in which the copra is contained and every animal, vehicle, vessel or other conveyance used in carrying such copra shall be forfeited to Government.

15. Offences by companies. — (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. — For the purposes of this section, —

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

16. Limitation of prosecution. — No prosecution for any offence punishable under this Act shall be instituted against any person except by, or with the consent of, the Collector.

17. Composition of offences. — Any offence punishable under this Act may, either before or after the institution of the prosecution, be compounded by the Collector or any other officer authorised by him in this behalf on payment to the Central Government, for the purposes of this Act, of such sum as the Collector or such officer, as the case may be, thinks fit.

18. Protection of action taken in good faith. — No suit, prosecution or other legal proceeding shall lie against the Central Government or any person authorised by the Central Government for anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.

19. Power to make rules. — (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: —

(a) information to be furnished by an occupier of a mill in the monthly return under sub-section (2) of section 6;

(b) the form of the monthly return which every occupier of a mill shall submit to the Collector and the manner in which such return shall be verified under sub-section (3) of section 6;

(c) the manner in which assessment of duty of excise shall be made where no return has been furnished or the return which has been furnished is believed by the Collector to be incorrect or defective under sub-section (2) of section 7;

(d) the conditions subject to which the refund of amount is made under section 9;

(e) the authority without the previous sanction of which information may not be disclosed under sub-section (2) of section 12;

(f) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

20. *Amendment of Act 15 of 1966.* — In the Produce Cess Act, 1966, —

(a) in sub-clause (ii) of clause (g) of section 2, —

(i) the words “copra or”, in both the places where they occur, shall be omitted;

(ii) the words “, as the case may be,” shall be omitted;

(b) in section 6, the words “or copra”, in both the places where they occur, shall be omitted;

(c) in the Second Schedule, serial number 2 and the entries relating thereto in columns 2, 3 and 4 shall be omitted.

Notification

LD/996/79

The following Order which was issued by the Government of India on 18-12-1978 is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 17th April, 1979.

GOVERNMENT OF INDIA

MINISTRY OF INDUSTRY

(Department of Industrial Development)

New Delhi, the 18 Dec., 1978

Order

S. O. 715(E) — In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order to amend the House-hold Electrical Appliances (Quality Control) Order, 1976, namely:—

1. (1) This order may be called the House-hold Electrical Appliances (Quality Control) Amendment Order, 1978.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the House-hold Electrical Appliances (Quality Control) Order, 1976. —

(1) in clause 2, sub-clause (a) shall be renumbered as sub-clause (aa) and before sub-clause (aa) as so renumbered, the following sub-clause shall be inserted, namely: —

‘(a) “Director of Industries” means the Director of Industries appointed by a State Government;’;

(2) after clause 3, the following clauses shall be inserted, namely:—

“4. (1) *Power to call for information etc.* The Director of Industries may with a view to securing compliance with this order —

a) require any person engaged in the manufacture, storage for sale, sale or distribution of any house-hold electrical appliance to give such information as he deems necessary in relation to the manufacture, storage for sale, sale or distribution of any house-hold electrical appliance as he deems necessary for the implementation of this order or require any such person to furnish to him samples of any house-hold electrical appliance or any component of any house-hold electrical appliance;

b) inspect or cause to be inspected any books or other documents or any house-hold electrical appliance or the components of any house-hold electrical appliance kept by or belonging to or in the possession or under the control of any person engaged in the manufacture, storage for sale, sale or distribution of any house-hold electrical appliance;

c) enter and search, any premises and seize any house-hold electrical appliance in respect of which he has reason to believe that a contravention of this order has been committed or is not of the specified standard.

2. The provisions of section 100 of the Criminal Procedure Code, 1973 (2 of 1974) relating to search and seizure, shall, so far as may be, apply to searches and seizures under this clause.

5. (1) *Testing of samples.* Where the Director of Industries is of the opinion that it is necessary so to do for the purpose of ascertaining whether any house-hold electrical appliance is of the specified standard, he may take from any person engaged in the manufacture, storage for sale, sale or distribution of any such electrical appliance a sample or samples thereof.

(2) The sample or samples shall be taken in the presence of the person so engaged in the manufacture, storage for sale, sale or distribution of such electrical appliance or his authorised representative and a receipt in such form as may be specified by the Central Government shall be given to such person in respect of the sample or samples so taken and the price of the article or appliance shall be paid by the Director of Industries to such person.

(3) Where the Director of Industries has taken any sample of any house-hold electrical appliance under sub-clause (1), he shall deliver the same for testing to any laboratory authorised for the purpose by the Central Govern-

ment to ascertain whether the house-hold electrical appliance is of the specified standard.

(4) The officer in charge of the laboratory referred to in sub-clause (3) shall carry out or cause to be carried out all tests necessary to determine whether such house-hold electrical appliance is of the specified standard and give a report of the result of the tests in triplicate in such form as may be specified by the Central Government.

6. *Power to prohibit the disposal of any house-hold electrical appliance.* Where the Director of Industries has reason to believe that any house-hold electrical appliance is not of the specified standard and the defect can be removed, he may direct the person engaged in the manufacture of, storage for sale, sale or distribution of such appliance to remove the defect within such time not exceeding twenty days, as may be specified by the Director of Industries and not to dispose of such appliance until the defect is removed.

7. *Power to issue directions.* The Director of Industries may issue such directions consistent with the provisions of this order as may be necessary in carrying out the purposes of this order.

8. *Compliance of directions.* Every person engaged in the manufacture, storage for sale, sale or distribution of any house-hold electrical appliance, to whom any direction is issued under this order shall comply with such direction.

9. *Delegation of powers.* The Director of Industries may, by general or special order in writing, and with the approval of the Central Government, authorise any officer to exercise on his behalf all or any of his functions and powers under this order:

Provided that no officer below the rank of an Assistant Director of Industries or equivalent rank shall be authorised by the Director of Industries to exercise the power of search and seizure under paragraph (c) of sub-clause (1) of clause 4.

10. *Obligation to furnish information.* No person shall with intent to evade the provisions of this order refuse to give any information lawfully demanded from him under clause 4 or conceal, destroy, mutilate or deface any books

or documents or any house-hold electrical appliance kept by such person or in the possession or control of such person.

11. Any person aggrieved by the seizure of any house-hold electrical appliance under paragraph (c) of sub-clause (1) of clause 4 may appeal to the Central Government within thirty days of the date on which such appliance is so seized and the decision of the Central Government on such appeal shall be final."

No. 5/71/77-El. Ind.

G. V. RAMAKRISHNA

Additional Secretary to Govt. of India.

Notification

LD/50265/79

The following Notification received from the Government of India, Ministry of Home Affairs, New Delhi, is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 30th April, 1979.

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

(GRIH MANTRALAYA)

New Delhi-110001, the 18th April, 1979

Notification

S. O. — In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that, subject to his control and until further orders, the Administrator of every Union territory (whether known as the Administrator, Lieutenant Governor or Chief Commissioner) shall, in relation to the Union territory concerned, also exercise the powers and discharge the functions of the State Government under the Prize Chits and Money Circulation Schemes (Banning) Act, 1978 (43 of 1978).

[U-11030/1/79-UTL]

(P. S. MEHTA)

Under Secretary to the Government of India.